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Report

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MAKING APPROPRIATIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND FOR SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSION, CORPORATIONS, AND OFFICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999, AND FOR OTHER PURPOSES

October 5, 1998.--Ordered to be printed

Mr. Lewis of California, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 4194]

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates $650,000,000 for science and technology instead of $656,505,000 as provided by the House and $643,460,000 as provided by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $1,250,000 for continuation of the California Regional PM 10 and 2.5 air quality study.

2. $2,500,000 for EPSCoR.

3. $400,000 for continuation of the study of livestock and agricultural pollution abatement at Tarleton State University.

4. $3,000,000 for the Water Environment Research Foundation.

5. $2,700,000 for continued research on urban waste management at the University of New Orleans.

6. $800,000 to establish an environmental molecular toxicology program at the University of Montana.

7. $2,000,000 for the Mickey Leland National Urban Air Toxics Research Center.

8. $4,000,000 for the American Water Works Association Research Foundation, including $1,000,000 for continued research on arsenic.

9. $2,000,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program.

10. $1,500,000 for the Integrated Petroleum Environmental Consortium project.

11. $800,000 for the National Center for Atlantic and Caribbean Reef Research at the Rosenstiel School of Marine and Atmospheric Science.

12. $1,900,000 for continued Salton Sea research, at the University of Redlands.

13. $1,800,000 for continued research on treatment technologies relating to perchlorate managed by AWWARF on behalf of the East Valley Water District, California.

14. $2,000,000 for the Lovelace National Environmental Respiratory Center.

15. $4,000,000 to CE CERT at the University of California/Riverside for the development of a next generation environmental chamber to enable advanced research into atmospheric processes under low NO X conditions

($3,000,000) and for the development of test track research facilities ($1,000,000).

16. $800,000 to the University of New Hampshire to develop, test, and evaluate innovative technologies for enhanced bioremediation of organically contaminated bedrock aquifers.

17. $2,500,000 for the Gulf Coast Hazardous Substance Research Center.

18. $1,000,000 for the development, design, and implementation of a research effort on tributyltin based ship bottom paints at Old Dominion University.

19. $1,750,000 for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases.

20. $800,000 for the university portion of the Southern Oxidants Study.

21. $1,250,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center.

22. $1,000,000 for the Texas Regional Institute for Environmental Studies to test new cost-effective environmental restoration technologies.

23. $1,000,000 for the Institute for Environmental and Industrial Science at Southwest Texas State University.

24. $6,000,000 for the Mine Waste Technology Program and the Heavy Metal Water Program at the National Environmental Waste Technology, Testing, and Evaluation Center.

25. $1,000,000 for the Alabama Center for Estuarine Studies.

26. $2,000,000 for the Center for Environmental Research, Education and Training at the University of Maryland-Baltimore County, for research on watershed science, ecological and environmental impacts of urban and suburban development, fate and transport of contaminants from urban and rural land use, and analysis of large spatial data sets.

27. $500,000 for the Brazos River Authority for poultry pollution abatement research in the Brazos Navasota watershed.

The conferees have agreed to the following reductions from the budget request:

1. $19,955,000 from the climate change research program.

2. $6,358,000 from the global change research program.

3. $4,000,200 from the Advanced Measurement Initiative.

4. $8,372,000 from the Project EMPACT.

5. $11,654,800 as a general reduction.

Within the funds provided for science and technology, the conferees direct that $2,000,000 be used to continue the initiative to transfer technology developed in Federal laboratories to meet the environmental needs of small companies in the Great Lakes region. This initiative should be accomplished through a NASA sponsored Midwest regional technology transfer center working in collaboration with an HBCU from the region.

For fiscal year 1999, the conferees have provided $46,700,000 for continued research on particulate matter (PM), an increase of $18,000,000 above the budget request. The conferees note that the actual obligation of 1998 funds has, for many reasons, not proceeded at the pace originally expected. Nevertheless, the Agency has established July, 2002 as the date for completion of the next NAAQS review, and it is thus imperative that research be well underway and where possible, providing important data for the review and decision-making process. The conferees strongly commend the Agency for its fine efforts to date in working with the National Academy of Sciences (NAS) and others on this important research matter, and expect that the research funds provided for fiscal year 1999 will be obligated as quickly as possible. In this regard, the Agency is instructed not to await approval of the annual operating plan prior to obligation of these funds.

As previously noted, the Agency has established July, 2002 as the date for completion of the next NAAQS review. Because of the time necessary to conduct additional PM research, the conferees are concerned that the schedule established by EPA may not allow for adequate consideration of research that will result from the enhanced fiscal years 1998 and 1999 appropriations. The conferees strongly urge EPA to amend its PM NAAQS review schedule by reducing the Agency's drafting time and internal review time to provide as much time as possible for the consideration of new research.

Finally, with respect to the speciation component of the Agency's PM monitoring plan, the conferees request that the NAS assist EPA's Clean Air Science Advisory Committee (CASAC) by providing recommendations regarding the number and location of monitors and specific objectives and operating conditions for the various types of speciation monitors in EPA's plan. Also, NAS should evaluate the adequacy of the speciation component of the monitoring plan to characterize those constituents of PM that are biologically active. The NAS is expected to facilitate a thorough peer review of the speciation component of EPA's monitoring plan by CASAC.

EPA's recently published Contaminated Sediment Management Strategy states that EPA will not proceed with clean-up of a contaminated sediment site if the short-term and long-term impacts of dredging are determined to cause more environmental harm than leaving the contaminants in place. The conferees believe, however, that EPA is proceeding with some orders to dredge even though the evaluations called for in EPA's own policies have not been undertaken. Further, a National Academy of Sciences evaluation of dredging technology required by the House Appropriations Committee in fiscal year 1998, is not yet available. The conferees expect EPA will implement its Contaminated Sediment Management Strategy by evaluating the short-term and long-term impacts of the proposed clean-up in relation to the reduction of risks to human health and the environment and other benefits.

It is vital that EPA and the Congress have the benefit of the NAS study on remediation technologies for contaminated sediments, including dredging, to assess the

> ability of various methods to attain the environmental objectives of the remediation, and the potential of these methods to cause greater harm to the environment or other problems. The conferees urge EPA to await the completion of the NAS study before spending any Superfund money on dredging, initiating any new dredging action, or issuing any more dredging orders. Exceptions to this should be considered where EPA has found on the record that the contaminated sediment poses a significant threat to the public health to which an urgent or time critical response is necessary, remedial and/or removal alternatives to dredging have been fully evaluated, an appropriate site for disposal of the contaminated material has been selected, and the potential impacts of dredging, associated disposal, and alternatives have been explained to the affected community. The Agency should take all reasonable steps to assure the expeditious completion of the NAS study.

The conferees understand that portions of EPA's 1994 draft dioxin reassessment have been widely criticized within the scientific community and by EPA's own Science Advisory Board (SAB). The SAB's report, ``A Second Look at Dioxins'' (November 1995) noted numerous weaknesses with the risk characterization and dose-response chapters of the reassessment. In particular, the SAB criticized EPA's conclusion that dioxins have the potential to produce a broad spectrum of effects in humans at or near current background levels. The SAB directed EPA to ensure that its conclusions were based on a more complete consideration of available scientific studies.

The conferees understand that EPA is preparing to release a revised

reassessment for public review, followed by a second SAB review. The final dioxin reassessment, particularly the risk characterization chapter, will provide the basis for future federal policies and regulations relating to dioxin and other chemicals. The conferees believe it is essential that EPA fully address concerns raised by the SAB and recommend that the Agency reconvene a SAB panel which would include those members of the original Panel whose expertise is germane to the redrafted portions of the reassessment.

There are several aspects of tropospheric ozone formation that would benefit from targeted research and investigation, including NO X-limited conditions (as can be the case in rural areas and urban areas with cleaner air), multi-day stagnation events, and the changes in levels of ozone and particulate matter caused by emissions of ozone precursors in ambient air. Therefore, the conferees are providing $3,000,000 for the development of an environmental chamber to enable scientific research into the atmospheric processes involved in the formation of ozone and particulate matter. More precise tools are required to improve understanding and modeling of the potential of volatile organic compounds (VOCs) to affect ozone formation in the ambient air, including the process that forms pollutants in rural and cleaner urban environments, as recommended by the 1991 National Academy of Sciences/National Research Council's ``Rethinking the Ozone Problem in Urban and Regional Air Pollution.'' The new large chamber will provide information that EPA and state regulators can use to develop more cost-effective strategies for controlling pollution. In particular, this chamber will allow more accurate measurements of positive and negative reactivity of VOC emissions from architectural coatings.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,848,000,000 for environmental programs and management instead of $1,856,000,000 as proposed by the House and $1,840,500,000 as proposed by the Senate. The conferees have included bill language providing a limitation on the use of funds to implement or administer the interim guidance relating to title VI of the Civil Rights

Act of 1964, with certain exceptions, as proposed by the House. The conferees note that this provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency. With respect to any cases that may be pending before EPA and that are not or will not be covered by the Interim Guidance, the conferees urge EPA to resolve such cases as expeditiously as possible and without undue delay.

It is the conferees' understanding that the currently filed South Bronx complaint is covered by the Interim Guidance and should be dealt with expeditiously.

The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol, instead of language proposed by the House. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution which passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for

any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2000 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.

2. $1,300,000 for the Lake Wallenpaupack, Pennsylvania environmental restoration project.

3. $130,000 for the Saint Vincent watershed environmental restoration project.

4. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.

5. $1,300,000 for the Great Lakes National Program Office.

6. $750,000 for the painting and coating compliance project at the University of Northern Iowa.

7. $550,000 for continuation of the Idaho Water Initiative.

8. $1,700,000 for the Sacramento Regional County Sanitation District to continue the cost-shared Sacramento River Toxic Pollution Control Project. This appropriation and previously appropriated funds shall be administered by the Sacramento Regional County Sanitation District in accordance with the workplans submitted by the District.

9. $1,300,000 for continuation of a water reuse demonstration project in Yucca Valley ($500,000) and the continuation of a water distribution system study in Twentynine Palms ($800,000), California.

10. $600,000 for ongoing activities at the Canaan Valley Institute.

11. $3,000,000 for the Southwest Center for Environmental Research and Policy (SCERP).

12. $2,600,000 for the National Institute for Environmental Renewal to establish a regional environmental data center, and to develop an integrated, automated water quality monitoring and information system for watersheds impacting the Chesapeake Bay.

13. $500,000 for continuation of the Small Water Systems Institute at Montana State University.

14. $11,362,000 for rural water technical assistance activities and groundwater protection for a total program level of $13,050,000. The distribution of funds is as follows: $8,000,000 for the National Rural

Water Association; $2,100,000 for the Rural Community Assistance Program; $400,000 for the Groundwater Protection Council; $1,550,000 for Small Flows Clearinghouse; and $1,000,000 for the National Environmental Training Center.

15. $900,000 for implementation of the National Biosolids Partnership Program.

16. $3,000,000 for continuation of the New York and New Jersey dredge decontamination project.

17. $900,000 for continued work on the water quality management plans for the Onondaga and Cayuga County, New York watersheds.

18. $400,000 for continued work on the Cortland County, New York aquifer protection plan, $150,000 of which is for planning and implementation of the Upper Susquehanna watershed.

19. $900,000 for continued work on the Soil Aquifer Treatment Demonstration Project.

20. $400,000 for operation of the Long Island Sound Office.

21. $900,000 for the Southern Appalachian Mountain Institute.

22. $900,000 for continued operations of the California Urban Environmental Research and Education Center.

23. $1,300,000 for a one-year demonstration of Project SEARCH (Special Environmental Assistance for Regulations of Communities and Habitat) in Idaho.

24. $2,200,000 for the National Center for Excellence for Environmental Management at the University of Findlay.

25. $400,000 to analyze the environmental and public health impacts of waste transfer stations in Hunts Point, South Bronx, New York, with inclusion of the community in the design and implementation of the study.

26. $100,000 to the Miami-Dade County Department of Environmental Resources management to expand the existing education program.

27. $200,000 for the Snohomish River Basin Work Group to perform a comprehensive watershed analysis, including a quantitative water quality study of the Snohomish River. Special attention in the study should be given to the lower reaches of the river.

28. $2,200,000 for the Federal Energy Technology Center and EPA Region III to conduct a comprehensive acid mine drainage cleanup program.

29. $400,000 to initiate a surface water improvement demonstration project in Mecklenberg, North Carolina.

30. $125,000 to the University of Louisville for the establishment

of a regional environmental finance center at the Kentucky Institute for the Environment and Sustainable Development.

31. $200,000 to Ventura County, California for development of the Calleguas Creek watershed management plan.

32. $2,600,000 to Lycoming County, Pennsylvania to assist in the development of a comprehensive CSO plan.

33. $2,200,000 to the Lake Pontchartrain Basin Foundation circuit rider water quality initiative in Fluker Chapel and Mandeville, Louisiana.

34. $3,100,000 for the Environmental Technology Commercialization Center (ETC2) in Cleveland, Ohio.

35. $2,000,000 to support efforts to address the causes, mechanisms, and health and environmental effects of Pfiesteria.

36. $500,000 for treatment of uranium contamination of well heads within the Morongo Valley Community Service District, California.

37. $3,000,000 for the New River, California environmental restoration project by the Imperial Irrigation District.

38. $8,500,000 to the Salton Sea Authority for extensive planning, development, and permitting requirements.

39. $650,000 for water restoration activities at the City of Stockton, California.

40. $650,000 for watershed management initiatives at Santa Ana River, Riverside County, California.

41. $320,000 for the St. Mary's River, Maryland watershed management and monitoring program.

42. $1,500,000 for training grants under 104(g) of the Clean Water Act.

43. $500,000 for the Small Public Water System Technology Center at Western Kentucky University.

44. $500,000 for the Small Public Water System Technology Center at the University of Missouri-Columbia.

45. $500,000 for the Small Public Water System Technology Center at the University of New Hampshire.

46. $3,000,000 to continue the demonstration project involving leaking fuel tanks in rural Alaska villages.

47. $1,000,000 for water quality monitoring in the Tennessee River basin through the Alabama Department of Environmental Management.

48. $1,250,000 to continue the onsite wastewater treatment demonstration program through the Small Flows Clearinghouse.

49. $2,000,000 for the New York City watershed protection program.

50. $500,000 for EPA's Office of Sustainable Ecosystems and

Communities and the Hawaii Department of Health to conduct demonstration projects to aid communities on the islands of Maui and Molokai to meet successfully the water quality permitting requirements for rehabilitating native Hawaiian fish ponds.

51. $2,500,000 for the King County, Washington molten carbonate fuel cell demonstration project.

52. $800,000 for the National Center for Vehicle Emissions Control and Safety for onboard diagnostic research.

53. $5,000,000 under section 104(b) of the Clean Water Act for America's Clean Water Foundation for implementation of on-farm environmental assessments for hog production operations, with the goal of improving surface and groundwater quality.

54. $500,000 for the Coordinated Tribal Water Quality Program through the Northwest Indian Fisheries Commission.

55. $500,000 for the Ala Wai Canal watershed improvement project.

56. $500,000 for a study of dioxin in the Ohio River basin.

57. $100,000 to continue the Design for the Environment for Farmers Program to address the unique environmental concerns of the American Pacific area and the need to develop and adopt sustainable agricultural practices for these fragile tropical ecosystems.

58. $1,000,000 for the Lake Champlain management plan.

59. $1,500,000 for the National Alternative Fuels Vehicle Training Program.

60. $250,000 for a pilot program to evaluate the most cost-effective technologies for treating non-point sources of phosphorus in the Lake Sammamish, Washington watershed.

61. $250,000 to work with farmers and the Natural Resources Conservation Service in Vermont to adopt best management practices to reduce phosphorus runoff into Lake Memphremagog.

62. $750,000 for the Chesapeake Bay Small Watershed Grants Program.

63. $1,000,000 to strengthen the State Small Business Ombudsman and Technical Assistance programs as authorized by section 507 of the Clean Air Act.

64. $500,000 for the Office of Regulatory Management and Information (ORMI) to involve small local governments in the regulatory process as envisioned by the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA). ORMI serves as the coordinating body for EPA's SBREFA compliance. SBREFA and RFA require EPA to notify small entities--small businesses and small local

governments--and actively involve them in the rulemaking process, including participation on SBREFA panels.

65. $200,000 for the Hawaii Department of Agriculture and the University of Hawaii College of Tropical Agriculture and Human Resources to develop agriculturally based remediation technologies.

66. $100,000 for the City of Philadelphia to study the impact on the Delaware River watershed of vacant and abandoned land in Philadelphia, determine the environmental and economic benefits of remediation, and implement mitigation measures.

67. $2,000,000 for the Food and Agricultural Policy Research Institute's Missouri watershed initiative project to link economic and environmental data with ambient water quality.

68. $1,000,000 for the Animal Waste Management Consortium through the University of Missouri, working with Iowa State, North Carolina State, Michigan State, Oklahoma State, and Purdue Universities to supplement ongoing research, demonstration, and outreach projects associated with animal waste management.

69. $500,000 for the Environmentors projects involving the matching of young people with environmental science professionals to work on environmentally oriented research projects.

70. $1,000,000 for the City of West Palm Beach, Florida for its wetlands-based potable water reuse program including stormwater and wastewater recycling.

71. $300,000 for the Dry Creek Channel project in Sandy, Utah, to design and implement a non-point source project in conjunction with the ongoing Jordan River non-point source project, including the creation of wetlands to control urban stormwater runoff.

72. $2,000,000 for the University of Missouri Agroforestry Center to support the agroforestry floodplain initiative on non-point source pollution.

73. $300,000 for the Northeast States for coordinated air use management.

74. $1,000,000 for the Columbia Basin groundwater management assessment.

75. $500,000 for the Urban Rivers Awareness Program at the Academy of Natural Sciences in Philadelphia to develop a new environmental science program.

76. $2,000,000 for education, outreach, technical studies, and training to minimize lead hazards created during home improvement and repainting projects. To make lead dust testing more available and affordable, the conferees urge EPA to develop a relevant one-day sampling technician training course and to encourage recognition of this

discipline.

77. $1,000,000 for an expansion of EPA's efforts related to the government purchase and use of environmentally preferable products under Executive Order 12873, including life cycle analysis.

78. $200,000 to develop a technical guidance manual for use by permit reviewers and product specifiers to ensure appropriate uses of preserved wood in applications including housing, piers, docks, bridges, utility poles, and railroad ties.

79. $2,000,000 for the State of Missouri Department of Natural Resources for a clandestine methamphetamine lab cleanup project.

80. $200,000 for the Fairmount Water Works Interpretive Center for environmental education activities.

81. $500,000 for the CCAR-Greenlink Compliance Assistance Center.

82. $500,000 for the City of Gainesville to address stormwater discharges from the Sweetwater Basin into Paines Prairie and the Florida Aquifer.

83. $400,000 for the Small Water Systems Technology Assistance Center at the University of Alaska in Sitka.

84. $500,000 for the Treasure Valley Hydrologic project.

85. $150,000 to sample and conduct hydrologic investigations of occurrence, distribution, and characteristics of radium in groundwater in the Magothy and Patapsco Aquifers in Anne Arundel, Baltimore and Harford Counties, Maryland.

86. $225,000 to enable the EPA and the Maryland Bureau of Mines to map and conduct a geologic/hydrologic investigation of the Kempton Abandoned Mine Complex in West Virginia and Maryland.

87. $225,000 to support a cooperative research and demonstration project with the State of Maryland to determine the feasibility of using poultry litter as a fuel to generate electric power.

88. $400,000 for Iberville Parish, Louisiana, to complete cleanup of Water District #3.

The conferees have agreed to the following reductions from the budget request:

1. $1,598,000 from the Urban Livability Program.

2. $1,000,000 from the OSWER Chemical Action Prevention program.

3. $1,000,000 from GLOBE.

4. $9,638,000 from the Montreal Protocol Multilateral Fund.

5. $86,002,000 from Climate Change Technology Initiative.

6. $10,331,000 from Office of Enforcement programs.

7. $11,500,000 from Project EMPACT.

8. $126,218,000 as a general reduction. In determining the base from which to apply the general reduction specified for this account, the Agency shall first deduct from the total the items of Congressional interest specifically listed in the conference report and statement of the managers for the fiscal year 1999 VA HUD and Independent Agencies Appropriations Act, and in the House and Senate Committee reports.

9. $5,000,000 from sustainable development challenge grants.

The National Estuary Program has been fully funded at the budget request level, and the conferees direct that not more than $4,300,000 of this amount is available for EPA's intramural costs of the program. Similarly the conferees note that the National Environmental Education and Training Foundation has been funded at the statutory level.

The conferees note the success of the cooperative lead-based paint real estate notification program, and have been informed that additional resources for this program are no longer necessary.

Within the amounts provided for the Clean Water Action Plan, $3,500,000 is intended to support groundwater and source water protection efforts in priority watersheds that primarily encompass small communities and/or rural areas. These resources should support source water assessment and protection activities at the local level, integration of groundwater concerns into watershed assessment and restoration plans, implementation of wellhead protection programs locally, and/or field technicians supporting communities considering new groundwater/source water ordinances targeted at high risk watersheds. The primary intent of this language is to assist small communities in meeting Federal drinking water standards and to assist those communities in contributing to the achievement of state water quality standards. These funds are to be distributed through a competitive solicitation and EPA is to report to the Committees on Appropriations within 60 days of enactment of this Act on its plans for such solicitation.

The conferees are concerned regarding the progress that has been made by the Agency in dealing with the matter of potential security risks associated with EPA's proposal to make available via the Internet or other means risk management plan (RMP) data submitted to the Agency pursuant to Clean Air Act section 112(r). The conferees strongly urge

that EPA continue to work on this issue in close consultation with the Federal Bureau of Investigation and other security experts so that EPA may implement distribution of the RMP data in a manner that strikes the appropriate balance between methods of public dissemination and legitimate national security and anti-terrorist concerns. To that end, the conferees direct the Federal Bureau of Investigation to submit to Congress no later than December 1, 1998 a written report containing the Bureau's recommendations for the appropriate methods of public dissemination of RMP data submitted to the EPA pursuant to Clean Air Act section 112(r) and further direct the Agency to provide to the Congress monthly updates as to its progress in working with the FBI and other Federal agencies to develop appropriate RMP protocol guidelines. In this regard, the conferees expect the Agency to include a final proposal, including the use of such appropriate protocols, as part of the fiscal year 1999 operation plan.

The conferees are concerned that EPA is not providing for adequate public participation in the proposed regional haze rule-making. The conferees note that the EPA has noticed a supplemental, but strictly limited, comment period on ``information related'' to the proposed rule, i.e. the proposal submitted by the Western Governors and the recently enacted Inhofe Amendment to TEA 21. The conferees are concerned, however, that the notice precludes adequate discussion of the full WGA proposal and fails to provide adequate notice of how EPA proposes to integrate the Inhofe Amendment into the previously proposed rule. In addition to the procedural flaws, the conferees are concerned about the lack of consideration of issues that were inadequately addressed in the proposed rule, such as smoke from fires on public lands, road dust, and emissions

> from foreign sources, and other significant issues raised by the States. EPA is therefore strongly encouraged to re-propose the regional haze rule in its entirety for public comment so that the public can understand how EPA proposes to integrate these important issues into the rule. Finally, the conferees note with approval the House committee report language providing resources for the formation of additional visibility transport commissions to define reasonable progress for improving visibility in their respective Class I areas.

The conferees urge EPA to (1) develop, after a period of public comment, a guidance document to facilitate the conduct of water quality and designated use reviews for CSO-receiving waters; (2) provide technical and financial assistance to states and EPA regions to conduct these reviews; and (3) submit a report to the relevant authorizing and appropriations committees of the House and Senate by December 1, 1999 on

the progress of meeting the requirements set forth above.

Of the funds provided for the Chesapeake Bay Program, the conferees direct that $200,000 shall be made available for the Alliance for the Chesapeake Bay to conduct a comprehensive evaluation of the Program, including a review of the institutional framework, progress in meeting watershed restoration commitments, and emerging issues which may affect present and future estuary conditions. The conferees expect the report to include options and recommendations for improving the Chesapeake Bay Program and be used as the basis for the development of a comprehensive plan to guide the restoration effort as it continues beyond the year 2000. The report and plan shall be completed for review and adoption by the Executive Council no later than the end of calendar year 2000.

Additionally, the conferees encourage the Agency to study the feasibility of real time automated water quality monitoring within the watershed of the Chesapeake Bay at its tributaries.

The conferees are concerned that the EPA has acted unilaterally to contract with a private entity for a study of the Salton Sea, and that this study will address matters related to the allocation of Colorado River waters, which is the exclusive responsibility of the Secretary of the Interior. The Administrator is directed to consult with the Salton Sea Authority and the Secretary of the Interior before initiating any action related to the Salton Sea, and the Administrator is prohibited from using any funds to support any work or work product related to the allocation of water from the Colorado River.

The conferees commend the work done by the Safety, Health and Environmental Management Division in the Office of Administration for their work to develop peer-reviewed tools and products for use by EPA and other Federal agencies to improve their compliance with environmental and occupational health and safety requirements. Particular note is taken of the thorough and effective use of peer review. The Agency is urged to assess the feasibility of making these important compliance tools available to state and local governments.

The conferees recognize the Agency's efforts in issuing a rule regarding the safe handling of halons. This rule, if properly enforced, should assure continued significant environmental benefits while placing only minimal burdens on industry. The conferees are concerned that the rule as written does not provide adequate guidance to the fire protection industry and others who handle halons as to what operating policies should be followed to comply with the rule.

The conferees strongly encourage the EPA to achieve compliance with this rule by requiring that no persons or entities may dispose of halon-containing equipment except by sending it for halon recycling to a

manufacturer, fire equipment dealer, or recycler operating in accordance with ASTM, NFPA, and/or ISO industry standards (as referenced in the preamble of rule 63 Fed. Reg. 11084, March 5, 1998) and that no persons or entities shall dispose of halon or import halon which is recovered but not reclaimed except by sending it for halon recycling to a recycler operating in accordance with the ASTM, NFPA, and/or ISO industry standard. Imported reclaimed halon must meet industry standards.

EPA recently issued two reports to Congress addressing mercury emissions, including the ``Mercury Study Report to Congress,'' issued in December, 1997, and the ``Study of Hazardous Air Pollutant (HAP) Emissions from Electric Utility Steam Generating Units-Final Report to Congress,'' issued in February, 1998. In April, 1998, EPA entered into a settlement agreement whereby the Agency intends to make a regulatory determination by November 15, 1998 regarding the potential need for controls on utility mercury emissions. Research needs in this regard include unresolved issues about mercury speciation and the transport, fate, and effects of mercury. Moreover, currently there are no commercially available, cost-effective technologies to significantly control mercury emissions from utilities.

In order to help fill research gaps, EPA is participating in funding: (1) the joint Federal-State Lake Superior Study on mercury transport; and (2) the government-wide National Health and Nutrition Examination Survey on fish consumption and mercury ingestion. In addition to these studies, EPA is directed to enter into a contract, within 60 days of the enactment of this Act, with the National Academy of Sciences (NAS) to perform a comprehensive review of mercury health research and prepare recommendations on the appropriate level for a mercury exposure reference dose. The conferees intend that the NAS complete the study and recommendations within 18 months of entering into this contract, and complete all work within a budget of $1,000,000 of available EPA funds. It is the conferees intent that there be no further extension of time for completion of the NAS study beyond 18 months from the date of the EPA contract. Finally, it is also the conferees intent that EPA not issue any regulatory determination for mercury emissions from utilities until EPA reviews the results of the NAS study.

OFFICE OF INSPECTOR GENERAL

Appropriates $31,154,000 for Office of Inspector General, the same as proposed by the House and the Senate.

BUILDINGS AND FACILITIES

Appropriates $56,948,000 for buildings and facilities instead of $60,948,000 as proposed by the House and $52,948,000 as proposed by the

Senate. The conferees have provided $36,000,000 for continued construction of the new consolidated research facility at Research Triangle Park, North Carolina. With this year's funding, the conferees note that some $236,000,000 of the $272,700,000 authorized for this project has been appropriated.

HAZARDOUS SUBSTANCE SUPERFUND

Appropriates $1,500,000,000 for hazardous substance superfund as proposed by both the House and the Senate. The conferees have included bill language making available for obligation on October 1, 1999 an additional $650,000,000 for Superfund response actions, only if specific reauthorization of the Superfund occurs on or before August 1, 1999. The language requires the Congressional Budget Office to make appropriate scorekeeping adjustments if such reauthorization does not occur.

The conferees have also included bill language which deletes the sunset provisions contained in sections 119 (e)(2)(C) and 119 (g)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The deletion of these two provisions will make it possible for Superfund cleanup contractors to obtain more easily surety bonds for new contracts.

The conferees have agreed to the following fiscal year 1999 program levels:

$1,000,000,000 for Superfund response/cleanup actions, including the budget request for Brownfields.

$155,000,000 for enforcement activities.

$130,000,000 for management and support, including $12,237,000 for the Office of Inspector General.

$40,000,000 for research and development activities, to be transferred to the Science and Technology account.

$60,000,000 for the National Institute of Environmental Health Sciences, including $23,000,000 for worker training and $37,000,000 for research activities.

$76,000,000 for the Agency for Toxic Substances and Disease Registry. Included within this level of funding is $2,000,000 for new children's health and medical monitoring activities, subject to a detailed spending plan to be submitted as part of the fiscal year 1999 operating plan. Also included within the funds provided herein is $4,000,000 for minority health professions, $2,500,000 for continuation of a health effects study on the consumption of Great Lakes fish, and $2,000,000 for continued work on the Toms River, New Jersey cancer evaluation and research project.

$39,000,000 for interagency activities, including $29,000,000 for activities of the Department of Justice, $650,000 for OSHA, $1,100,000 for FEMA, $2,450,000 for NOAA, $4,800,000 for the Coast Guard, and $1,000,000 for the Department of the Interior.

While the conferees have again this year provided the full budget request of $91,000,000 for the Brownfields program, there nevertheless remains concern that this growing program, though very important and worthy, is draining scarce resources from the equally important and worthy Superfund response program. In the short-term, the conferees strongly urge the Agency to fully review this program and make program reductions wherever feasible which do not adversely impact the integrity of the program. For the long-term, the conferees request the Agency to review other possible means of funding this program and report back to the Committees on Appropriations by April 1, 1999 on the results of this review.

The conferees remain concerned that EPA has begun cleanup activities at the Agriculture Street, New Orleans landfill Superfund site without including the option of using buyout authority. The conferees expect the Agency to continue to explore aggressively this option with local authorities, as well as other Federal agencies for a possible solution. The Agency is directed to report back to the Committees on Appropriations by January 15, 1999 on actions to address this problem.

The conferees expect EPA to finalize the guidance document governing disbursements of funds to parties performing response actions at a site where a special account has been established. The conferees further direct that special account funds be appropriately disbursed to the parties consenting to undertake response actions at the facility to reimburse such response efforts. The conferees recognize that the Agency is entitled to a reasonable retention of special account funds for past and future response costs of the United States and any affected State.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $72,500,000 for leaking underground storage tank program instead of $70,000,000 as provided by the House and $75,000,000 as provided by the Senate. Bill language has been included which expands the use of LUST funds pursuant to new authorization under section 9004 (f) of the Solid Waste Disposal Act.

Again this year, the conferees direct that no less than 85 percent of the appropriated level be provided to the states and tribal governments.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response, the same as proposed by the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,386,750,000 for state and tribal assistance grants instead of $3,233,132,000 as proposed by the House and $3,255,000,000 as proposed by the Senate.

Bill language provides the following program levels:

$1,350,000,000 for Clean Water State Revolving Fund capitalization grants.

$775,000,000 for Safe Drinking Water State Revolving Fund capitalization grants.

$880,000,000 for state and tribal program/categorical grants, including $200,000,000 for section 319 non-point source pollution grants, $115,529,300 for section 106 water quality grants, and an increase above the budget request of $5,343,000 for section 103/105 air quality grants. The conferees note that the Clean Water Action Plan has been fully funded at the budget request level.

$50,000,000 for high priority U.S./ Mexico border projects. Within this amount, the conferees have provided $1,000,000 for the U.S./Mexico Foundation for Science. The amount provided for fiscal year 1999 represents a decrease of $25,000,000 below the fiscal year 1998 level. The conferees have agreed to this reduction in view of the fact that the recipients of border funds--principally the International Boundary and Water Commission, the North American Development Bank, and the Border Environment Cooperation Commission--have been slow to make project commitments. Of the $375,000,000 appropriated to date for this program, EPA anticipates it will have $124,000,000 that has not been committed to a particular project by the end of the fiscal year.

$30,000,000 for grants to address drinking water and wastewater infrastructure needs of Alaska rural and native villages.

$301,750,000 for special needs drinking water, wastewater and groundwater infrastructure grants.

The conferees have included bill language which reaffirms that funds appropriated this year, and in previous years, for grants for Drinking Water State Revolving Funds and other water infrastructure grant programs under section 1452 of the Safe Drinking Water Act are not to be reserved by the Administrator for conducting drinking water health effect studies. As in previous years, funding for health effects studies is provided under the Science and Technology account.

Bill language has also been included which for fiscal year 1999 and prior years permits states to include as principal amounts considered to

be the cost of administering State Revolving Fund loans to eligible borrowers.

The conferees note that the categorical grant activity contains the following environmental grants, State/tribal program grants, and assistance and capacity building

grants: (1) nonpoint source (sec. 319 of the Federal Water Pollution Control Act); (2) water quality cooperative agreements (sec. 104(b)(3) of FWPCA); (3) public water system supervision; (4) air resource assistance to State, local, and tribal governments (secs. 105 and 103 of the Clean Air Act); (5) radon State grants; (6) water pollution control agency resource supplementation (sec. 106 of the FWPCA); (7) wetlands State program development; (8) underground injection control; (9) Pesticides Program implementation; (10) lead grants; (11) hazardous waste financial assistance; (12) pesticides enforcement grants; (13) pollution prevention; (14) toxic substances enforcement grants; (15) Indians general assistance grants; and, (16) underground storage tanks. The funds provided in this account, exclusive of the funds for the SRFs and the special water and wastewater treatment projects, may be used by the Agency to enter into performance partnerships with States and tribes rather than media-specific categorical program grants, if requested by the States and tribes. The performance partnership/categorical grants are exempt from the Congressional reprogramming limitation.

The conferees agree that the special needs funds are provided as follows:

1. $30,000,000 for Boston Harbor wastewater needs.

2. $2,610,000 for continued wastewater needs in Bristol County, Massachusetts.

3. $6,525,000 for New Orleans wastewater needs.

4. $11,310,000 to implement combined sewer overflow improvements in Richmond ($5,655,000) and Lynchburg, ($5,655,000), Virginia.

5. $8,700,000 for continuation of the Rouge River National Wet Weather Demonstration project.

6. $3,045,000 for wastewater, sewer overflow, and water system needs of the Westfall Municipal Sewage Authority ($1,740,000), and Jefferson Township, Lackawanna County ($1,305,000), Pennsylvania.

7. $1,000,000 for the Olivenhain, California water infrastructure project.

8. $870,000 for the combined sewer overflow project for Sacramento, California.

9. $8,700,000 for water system improvements at Lake Hopatcong, New Jersey.

10. $13,050,000 for continued planning and implementation of a storm water abatement system in the Doan Brook Watershed Area, Ohio.

11. $7,395,000 for wastewater infrastructure needs for Jefferson Parish ($2,350,000); Baton Rouge ($2,000,000); and Grand Isle ($3,045,000), Louisiana.

12. $8,700,000 for alternative water source development for the Southwest Florida, St. John's River, Northwest Florida, and South Florida Water Management Districts.

13. $1,800,000 for wastewater infrastructure improvements for the City of Port Huron, Michigan.

14. $2,175,000 for the Grand Rapids, Michigan combined sewer overflow project.

15. $2,828,000 for water system and wastewater infrastructure requirements for the Somerset Township Municipal Authority ($1,088,000) and for the Johnstown-Cambria County Airport ($1,740,000), Pennsylvania.

16. $1,305,000 for ongoing work at the Geysers Recharge Project in Northern California.

17. $8,700,000 for continued clean water improvements of Onondaga Lake.

18. $7,047,000 for wastewater and water system improvement needs for the Centerville/Cumberland Valley Township ($261,000); the Houtzdale Borough Municipal

Authority ($174,000); the Northern Blair Regional Sewer Authority ($696,000); the Richfield Borough Joint Municipal Authority ($348,000); Chambersburgh Borough ($2,175,000); the Letterkenny Reuse Authority ($522,000); the Lewistown Municipal Water Authority ($696,000); and the Hollidaysburg Borough ($2,175,000), Pennsylvania.

19. $8,700,000 for water supply and wastewater needs for the City of Paintsville ($1,900,000); Pike County, Mountain Water District ($2,200,000); the City of Fleming Neon ($1,500,000); the City of Salyersville ($500,000); Wolfe County ($1,700,000); and the City of Booneville ($900,000), Kentucky.

20. $2,610,000 for wastewater infrastructure improvements at Artesia, New Mexico.

21. $4,000,000 for the St. Louis Metropolitan Sewer District Meramac River enhancement and wetlands protection project.

22. $5,350,000 for wastewater and sewer infrastructure needs for DeSoto County ($2,675,000) and the City of Jackson ($2,675,000), Mississippi.

23. $1,740,000 for wastewater facilities and improvements in Essex

County, Massachsetts.

24. $3,000,000 for the Milwaukee Metropolitan Sewerage District interceptor system.

25. $1,305,000 for the Miami-Dade County sanitary sewer overflow demonstration project.

26. $2,610,000 for wastewater improvements at Florida City, Florida.

27. $2,450,000 for the basin stormwater retention and reuse project at Big Haynes Creek, Georgia.

28. $5,655,000 for the tunnel and reservoir project (TARP) of the Metropolitan Water Reclamation District in Chicago, Illinois.

29. $5,000,000 for sewer and stormwater infrastructure needs at Bozeman, Montana.

30. $4,900,000 for the Mille Lacs regional wastewater treatment facility, Minnesota.

31. $1,555,000 for wastewater, sewer, and water infrastructure needs in Lovelock ($1,305,000) and Moapa Valley Water District ($250,000), Nevada.

32. $3,750,000 for combined sewer overflow requirements of the Passaic Valley Sewerage Commission, New Jersey.

33. $12,500,000 for water, wastewater, and system infrastructure development and improvements for the Yucaipa Valley Water District ($4,500,000); the Lower Owens River Project in Inyo County ($3,000,000); the City of Barstow ($3,000,000); and the San Timoteo Creek environmental restoration project in Loma Linda ($2,000,000), California.

34. $1,740,000 for water reuse system improvements for Riverton, Utah.

35. $2,500,000 for water supply needs for Brownsville, Texas.

36. $1,741,000 for drinking water infrastructure needs for White Oak, Wolfe Branch Utility District ($653,000), and for Frankfort, Potter Chapel, and the Island Ford area, Sunbright Utility District ($1,088,000), Tennessee.

37. $4,350,000 for sewage treatment facilities to reduce nitrogen flowing into the Susquehanna River and ultimately into the Chesapeake Bay.

38. $283,000 for the reservoir restoration project in Albemarle City, North Carolina.

39. $1,305,000 for the water runoff and sewer treatment program of the San Diego Coastal Low Flow Storm Diversion Project.

40. $1,435,000 for wastewater infrastructure improvements for Springettsbury Township/City of York ($1,000,000) and Delta Borough

($435,000), Pennsylvania.

41. $2,133,000 for wastewater infrastructure improvements for the City of San Diego, California.

42. $3,000,000 for water supply needs of the Lake Marion Regional Water Agency, South Carolina.

43. $500,000 for a groundwater replenishment system for Orange County, California.

44. $1,305,000 for the Connecticut River, Massachusetts and Connecticut combined sewer overflow project.

45. $653,000 for the interceptor collection project at Avondale, Arizona.

46. $870,000 for the MERTS wastewater treatment facility at South Tongue Point, Oregon.

47. $1,000,000 for the Sonoma County Water Agency, Russian River Restoration project.

48. $2,500,000 for completion of the export pipeline replacement to protect Lake Tahoe.

49. $2,200,000 for the Charleston Water Conservancy District, Utah to meet sewer infrastructure needs associated with the 2002 Winter Olympic games.

50. $1,000,000 for the Ogden City, Utah water and sewer system.

51. $1,600,000 for the town of Mountain Village and Telluride, Colorado for a shared sewer system upgrade.

52. $2,500,000 for the City of Winterset, Iowa for sewer system improvements.

53. $7,000,000 for the Village of Hempstead, New York for water system improvements.

54. $500,000 for the City of Hartford, South Dakota for the upgrade of its wastewater treatment plant.

55. $2,000,000 for the City of Berlin, New Hampshire for water infrastructure improvements.

56. $5,000,000 for the City of Cumberland, Maryland to separate and relocate the city's combined sewer and stormwater system.

57. $4,750,000 for improvements to the St. Maries, Idaho drinking water system.

58. $1,200,000 for the village of Jemez Springs, New Mexico to improve its wastewater treatment system.

59. $3,500,000 for the City of Springfield, Vermont to upgrade its wastewater system.

60. $4,900,000 for the City of Grand Forks, North Dakota water treatment plant relocation project.

61. $5,600,000 for the Eastern Band of Cherokee Indians, North Carolina, Big Cove Community wastewater collection project.

62. $8,000,000 for Jackson County, Mississippi for remaining construction of pipeline and water treatment improvements.

63. $2,000,000 for Anderson County, Kentucky to renovate the Alton Water District's sewer system.

64. $1,550,000 for the City of Kinston, North Carolina wastewater treatment improvements.

65. $350,000 for the Green River Water District, Hart County, Kentucky, for water system improvements.

66. $1,200,000 for the Matanuska-Susitna Borough, Alaska water and sewer improvements.

67. $1,700,000 for the City of Anchorage for water system improvements involving the town of Girdwood, Alaska.

68. $1,000,000 for the City of Fairbanks, Alaska for water system improvements.

69. $1,000,000 for the Middleburg/Franklin Township, Pennsylvania wastewater improvement project.

70. $2,250,000 for the City of Sparks, Nevada to construct a water treatment facility including nitrogen removal.

71. $3,000,000 for Geneva County, Alabama drinking water system improvements.

72. $1,000,000 for the Goodwater Utilities Board, Alabama to connect the town of Goodwater with Alexander City.

73. $4,000,000 for the Kansas City Blue River wastewater treatment plant improvements.

74. $1,000,000 for Somerset County, Maryland wastewater treatment improvements in support of biological nutrient removal.

75. $2,500,000 for the three rivers wet weather demonstration project, Allegheny County, Pennsylvania, to eliminate separate sewer flows.

76. $1,000,000 to support Springfield, Missouri efforts for phosphorus removal at the Southwest Wastewater Treatment Plant.

77. $10,000,000 for a National Community Decentralized Wastewater Demonstration Project. The conferees expect this project will help ``jump start'' the process of technology transfer of various decentralized wastewater treatment options. Three geographically and geologically diverse sites have been determined for this project, and include Warren, Vermont ($1,500,000), Block Island/Green Hill Pond, Rhode Island ($3,000,000), and LaPine, Deschutes County, Oregon ($5,500,000). Each of these communities has already expended considerable resources in the development of these projects, and it is

the conferees intention that such previous expenditures be counted toward a local cost share for these projects only of 25 percent.

78. $1,000,000 for the City of Arnold, Pennsylvania for sewer system infrastructure improvements.

79. $250,000 for the City of McCall, Idaho for water infrastructure improvements, including filtration needs.

80. $1,000,000 for wastewater treatment system improvements in the Lake Tomahawk Sanitary District, Wisconsin.

WORKING CAPITAL FUND

The conferees have included bill language which makes technical changes to the Agency's Working Capital Fund.

ADMINISTRATIVE PROVISION

The conferees have included new language, in lieu of language proposed by the Senate, which limits the use of appropriated funds to issue or to establish an interpretation or guidance relating to fats, oils, and greases which does not recognize and provide for the differences of environmental effects and physical, chemical, biological, and other characteristics of edible and non-edible fats, oils, and greases as defined in the Edible Oil Regulatory Reform Act, Public Law 104 55. The language further requires the Administrator to issue regulations amending 40 C.F.R. 112 to comply with the requirements of Public Law 104 55 not later than March 31, 1999.

The conferees have not included bill language proposed by the Senate regarding a limitation on the use of funds to enable the export of government-owned ships for dismantling.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Science and Technology Policy

The conferees are in receipt of a report on Nuclear Magnetic Resonance (NMR) technology which focuses on new research opportunities. The report was developed by a committee of renowned NMR spectroscopists, assembled at the suggestion of the National Science Foundation. This recently released report calls for interagency collaboration to expand utilization of NMR. The conferees encourage the Science Advisor to review this report and, if appropriate, assist in developing an interagency solution for this important opportunity.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,675,000 for the Council on Environmental Quality and Office of Environmental Quality as proposed by the House instead of $2,575,000 as proposed by the Senate. The conferees direct that no less than $100,000 of the appropriated amount be used by CEQ for work on the NEPA Reinvention project. The conferees expect that, among other Reinvention activities, CEQ will use these funds to support efforts to establish a memorandum of understanding between the Federal Energy Regulatory Commission and other appropriate Federal departments and agencies to expedite review of natural gas pipeline projects.

Again this year, bill language has been included which stipulates that for fiscal year 1999 there will be just one member of the Council on Environmental Quality and that individual will serve as chairman. Language is also included again this year which prohibits CEQ from using funds other than those appropriated directly to CEQ under this heading. The conferees expect CEQ to implement this provision in a manner consistent with its implementation during fiscal year 1998.